

REMARKS

Claims 1-40 are present in this case. Claims 1-21 are withdrawn from consideration. Of the claims under consideration, claim 22 has been amended to include the disposable or removable enclosure liner lining the internal surface of the enclosure. Claim 32 which recited this feature has been canceled, as have claims 24 and 35.

In paragraph 1 of the office action, the Examiner has objected to the claims because of an unnumbered claim between claim 5 and claim 6. The Examiner has renumbered the claims to correctly supply a number for that claim. It is noted that the file copy of the application contained the correct sequential number. (copy enclosed)

The Examiner's requirement for confirmation of the telephone election of claims 22-40 is supplied herewith. Applicants reserve their right to urge the patentability to them of these non-elected claims on allowance of a generic claim.

With respect to the Examiner's objection to the specification on the ground that claims 32 and 37 recite a disposable or removable enclosure which is not mentioned in the disclosure, the Examiner's attention is directed to page 8, paragraph 56 which recites "Referring to Figure 6, a disposable embodiment of the shower system is illustrated. The disposable shower system 140 includes a collapsible bag 142 having a plurality of spouts or nozzles 144 therein..." Figure 6 clearly shows the device as claimed and as noted by the Examiner claims 32 and 37 claim it. It is well established that the specification, claims and drawings as filed all comprise original disclosure and that in fact if only one of them or less than all of them disclosed a feature, the other two could be amended to conform all of them. In this case, that is not necessary as the claims, specification and drawings all contain the required disclosure.

The Examiner further objected to the specification, stating that the “user adjustable nozzles,” recited in claim 37 are also not mentioned in the specification. The applicants call the Examiner’s attention to paragraph 38, which recites “The nozzles 16 may be activated in response to a sensor arrangement evaluating a user’s height, or in response to inputs from the user into the user display 18, which activates the controller 20.”

The Examiner has objected to the drawings on several grounds. The first is that the claimed enclosure liner (claims 32 and 38) is not shown. As set forth above, Figure 6 is directed to the enclosure liner. Second is that the electrostatic collectors (claims 33 and 39) are not shown. Claims 33 and 39 have been amended to delete this feature. Third the Examiner states that the hand held nozzle (claims 35 and 39) is not shown in the drawing. Claim 35 has been canceled. Claim 39, it is noted, does not refer to a hand held nozzle. Fourth, the Examiner contends that the feature of the adjustable nozzles (claim 37) is not found in the drawings. Paragraph 38, page 6 of the specification describes this feature in detailed reference to the drawings noting in particular that “the nozzle 16 may be activated in response to a sensor arrangement evaluating a user’s height, or in response to the inputs from the user into the user display 18 which activates the controller 20.” See Figure 1 in this regard.

Accordingly, the applicants have either pointed out to the Examiner the required drawing showing the features or have canceled the claims or portions thereof not shown in the drawing (claims 33 and 39 amended, claims 32 and 35 canceled).

The rejection of claims 33 and 39 under 35 U.S.C. 112, first paragraph has been avoided by amendment of those claims to delete the subject matter pointed out by the Examiner as not enabled.

The Examiner has rejected claims 24, 32, 33, 38 and 39 under 35 U.S.C. 112 second paragraph as being indefinite. Claims 24 and 32 have been canceled and claims 33, 38 and 39 amended in order to avoid the rejection.

The rejection of claims 32 and 38 as vague and indefinite because a disposable or removable enclosure is not discussed in the specification is not maintainable for all of the reasons set forth above.

Claims 22-33, 35 and 37-39 have been rejected under 35 U.S.C. 102(e) over Guerin (US 2005/0210576).

This reference is a related patent with overlapping inventors and certain subject matters. The reference however does not teach or suggest the invention as set forth in the amended claims. All of the claims now recite the disposable or removable enclosure liner. This feature has been indicated in dependent claims 22 and 38. Claims 23, 25-31, 33 and 36-37 are dependent on claim 22 and claim 39 is dependent on claim 38, so that all pending claims as now claimed are not anticipated by Guerin.

In connection with the limitation "user adjustable," the applicants have explained this feature in detail by reference for example to paragraph 38. In any event, in the absence of the feature of the removable liner, the Guerin published application is not an effective 35 U.S.C. 102 reference and this ground of rejection should be withdrawn.

Claims 34 and 40 have also been rejected under 35 U.S.C. 103(a) over the same Guerin published application. These two claims are dependent claims and as already set

forth indirectly contain the limitation of the removable liner. This feature is not taught nor suggested by the reference and accordingly the rejection should be withdrawn as not merited.

The rejection of claims 34 and 40 directed to the use of a mount for coupling the enclosure to a vehicle, etc. fails for the same reason. There is no suggestion in the Guerin reference to include a disposable liner, an element of the claimed invention.

Claim 36 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Guerin in view of Cima. The latter is relied on as teaching a mist delivery system with an electromagnetic controller powered by a pneumatic (air/gas) source, which the Examiner considers would be an obvious modification. The bath-module taught by Cima does not disclose or suggest the necessary disposable liner element and therefore this combination of references fails for rendering the applicants' invention obvious.

The Examiner has rejected claims 33 and 39 as unpatentable for obviousness over Guerin in view of Rehman. Claims 33 and 39 are dependent claims and as amended recite that the mist used in the misting system is ionized. The reference which is directed to a powder spray coating system according to which the powder is discharged from the spray gun by a complicated electronic system which would not be considered by a skilled artisan for use in the shower system of the invention (non-analogous art). In any event, neither Guerin or Rehman teaches the invention which is set forth in the amended claims.

It is submitted that all of the claims in the case are allowable to the applicants and notification to this effect is respectfully requested.

Respectfully Submitted
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